

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

THE CHICKASAW NATION and)	
THE CHOCTAW NATION,)	
)	
Plaintiffs,)	
)	
v.)	No.: 05-01524-W
)	
UNITED STATES DEPARTMENT OF)	
THE INTERIOR, <u>et al.</u> ,)	Senior Judge Lee West
)	
Defendants.)	
)	

**PLAINTIFFS' UNOPPOSED MOTION TO FOR LEAVE TO FILE OMNIBUS
RESPONSE TO DEFENDANTS' MOTIONS IN LIMINE TO EXCLUDE EXPERT
TESTIMONY OF PROFESSOR ANDREW KULL, PAUL HOMAN, AND JOE
CHRISTIE (DOC. NOS. 284, 285 AND 289) AND DEFENDANTS' DAUBERT
MOTION TO EXCLUDE EXPERT OPINION TESTIMONY OF DR. MARK
BERKMAN (DOC. NO. 296)**

Pursuant to the Rules of the United States District Court for the Western District of Oklahoma 7.1(c) and (k), Plaintiffs, the Chickasaw Nation and the Choctaw Nation (the “Nations” or “Plaintiffs”), respectfully move for leave to file one omnibus response to Defendants’ Motions in Limine to Exclude Expert Testimony of Professor Andrew Kull, Paul Homan, and Joe Christie (Doc. Nos. 284, 285 and 289) and Defendants’ Daubert Motion to Exclude Expert Opinion Testimony of Dr. Mark Berkman (Doc. No. 296).

1. Defendants filed Motions in Limine to Exclude Expert Testimony of Professor Andrew Kull, Paul Homan, and Joe Christie on May 15, 2015. In addition, Defendants filed a Daubert Motion to Exclude Expert Opinion Testimony of Dr. Mark Berkman on May 19, 2015.

2. Under LCvR7.1(e) and LCvR7.1(9), the Nations are entitled to submit responses to each of Defendants' Motions that are no longer than 25-pages by June 5, 2015. Therefore, the Nations are entitled to 100 pages total in response to Defendants' four motions.
3. Many of the issues in Defendants' motions concern the same legal standards and issues. Accordingly, in an effort to streamline the issues and ease the burden on the Court, the Nations seek leave of the Court to file one omnibus response, totaling no more than 50 pages, that will address each of Defendants' above-mentioned motions.
4. Counsel for Defendants have been contacted with respect to this Motion and counsel has no objection to the granting by the Court of the relief requested by this Motion.
5. A proposed Order granting the relief requested by this Motion has been submitted in accord with LCvR 5.5.

Relief Requested

The Nations respectfully move for leave to file one omnibus response to Defendants' Motions in Limine to Exclude Expert Testimony of Professor Andrew Kull, Paul Homan, and Joe Christie (Doc. Nos. 284, 285 and 289) and Defendants' Daubert Motion to Exclude Expert Opinion Testimony of Dr. Mark Berkman (Doc. No. 296) totaling no more than 50 pages.

DATED this 1st day of June, 2015.

Respectfully submitted,

/s/ Michael Burrage

Michael Burrage, OBA No. 1350
Reggie Whitten, OBA No. 9576

WHITTEN BURRAGE

1215 Classen Drive
Oklahoma City, OK 73103
Telephone: (405) 516-7800
Facsimile: (405) 516-7800

C. Cary Patterson, TX Bar No. 1558700
Bradley E. Beckworth, OBA No. 19982
Trey Duck, TX Bar No. 24077234
NIX, PATTERSON & ROACH, LLP
205 Linda Drive
Daingerfield, TX 75638
Telephone: (903) 645-7333
Facsimile: (903) 645-4415

Louis Bullock, OBA No. 1305
BULLOCK LAW FIRM, PLLC
110 West 7th Street, Suite 707
Tulsa, OK 74119
Telephone: (918) 584-2001
Facsimile: (918) 779-4383

Bob Rabon, OBA No. 7373
RABON WOLF & RABON
P.O. Box 726
Hugo, OK 74743
Telephone: (580) 326-6427
Facsimile: (580) 326-6032

Jason B. Aamodt, Esq., OBA No. 16974
Deanna Hartley-Kelso, Esq., OBA No. 19272
Dallas L.D. Strimple, Esq., OBA No. 30266
INDIAN AND ENVIRONMENTAL LAW GROUP
1723 E. 15th St, Suite 100
Tulsa, OK 74104
Telephone: (918) 347-6169
Facsimile: (918) 398-0514

K. Lawson Pedigo, TX Bar No. 15716500
MILLER, KEFFER & PEDIGO
3400 Carlisle, Ste. 550
Dallas, Texas 75204

Telephone: (214) 696-2050
Facsimile: (214) 696-2482

*Attorneys for The Chickasaw Nation
and The Choctaw Nation*

CERTIFICATE OF SERVICE

I hereby certify that I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system, which will send email notification of such filing to all registered parties.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED: June 1, 2015.

/s/ *Michael Burrage*